## REMARKS

In the Office Action, claims 1-8, 10-19, 21, and 22 are rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement.

In the Office Action, claims 1-8, 13-19, and 22 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,833,623 to *Mann et al.* in view of U.S. Patent No. 5,304,209 to *Adams et al.*

In response thereto, claims 1, 15, 16, and 22 have been amended. Accordingly, claims 1-8, 10-19, 21, and 22 are now pending. Following is a discussion of the patentability of each of the pending claims.

### Preliminary Matter

In response to the rejection under 35 U.S.C. §112, first paragraph, the following amendments have been made:

claim 1, line 18, "an alphanumeric" has been replaced with --a text--;

claim 1, line 20, "an alphanumeric" has been replaced with --a text--;

claim 15, line15, "alphanumeric" has been replaced with --text--;

claim 15, line 16, "alphanumeric" has been replaced with --text--;

claim 16, lines 16-17, "an alphanumeric" has been replaced with --a text--;

claim 16, line 18, "an alphanumeric" has been replaced with --a text--;

claim 22, line 19, "alphanumeric" has been replaced with --text--; and

claim 22, line 22, "alphanumeric" has been replaced with --text--.

### Independent Claim 1

Claim 1 recites a system for automating review of capture verification. The system comprises an autocapture means, a control means, and a display means. The control means comprises means for marking captured cardiac event in a visual representation with a text marker representative of capture and means for marking absence of the captured cardiac event with a text marker representative of absence of capture in a

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location in the visual representation where the captured cardiac event was expected to occur.

As discussed in the Amendment dated October 14, 2003, the *Mann et al.* reference discloses a programmer to perform automated and customized follow-up examination of a patient having an implantable device.   Column 13, lines 62 through column 14, line1 states that "...the programmer 120 includes software routines for stepping through an implantable device test sequence (e.g., a real-time segment of ECG, IEGM and/or marker data) and automatically identifying significant events or transitions (such as the loss of atrial or ventricular capture, substantial heart rate changes, etc.)."  The Examiner further cites Table 1.  Table 1 lists a master set of protocol steps (i.e., loss of capture) that can be included in a custom protocol for a family of implantable devices.  Listed to the right of each protocol step are the options that can be specified by the clinician for each protocol step.  Using edit buttons such as the MOVE STEP and SAVE PROTOCOL buttons of FIG. 4, the clinician can create, modify, and save follow-up protocols which include various combinations of these protocol steps.  However, the *Mann et al.* reference does not disclose or suggest the manner in which the significant events are identified.  In particular, the *Mann et al.* reference does not disclose or suggest a visual representation with text marker representative of capture.  Nor does the *Mann et al.* reference disclose or suggest text marker representative of absence of capture in a location in the visual representation where the captured cardiac event was expected to occur.

The *Adams et al.* reference is directed to a temporary pacemaker to be worn externally about the arm or chest of a patient.  Figure 4 illustrates a front view of the temporary pacemaker.  A display panel indicates the current operating mode (i.e., VVI, VOO, or OVO) and whether the temporary pacemaker is pacing or sensing (mode status).  An alpha numeric indicator displays "P" for pace and "S" for sense.  No where does the *Adams et al.* reference disclose or suggest a text marker representative of absence of capture in a location in the visual representation where a captured even was expected to occur.  The mode status is limited to displaying whether the temporary pacemaker is pacing or sensing in a particular mode.

Accordingly, it is respectfully submitted that claim 1 is in condition for allowance.

## Dependent Claims 2-8 and 10-14

Claims 2-8 and 10-14 depend from claim 1 and are similarly patentable. Accordingly, it is respectfully submitted that these claims are in condition for allowance.

## Independent Claim 15

For at least the same reasons discussed above with regards to claim 1, it is respectfully submitted that claim 15 is in condition for allowance.

## Independent Claim 16

For at least the same reasons discussed above with regards to claim 1, it is respectfully submitted that claim 16 is in condition for allowance

## Dependent Claims 17-19 and 21

Claims 17-19 and 21 depend from claim 16 and are similarly patentable. Accordingly, it is respectfully submitted that these claims are in condition for allowance.

## Independent Claim 22

For at least the same reasons discussed above in regards to claim 1, it is respectfully submitted that claim 22 is in condition for allowance.

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## CONCLUSION

In light of the above claim amendments and remarks, it is respectfully submitted that the application is in condition for allowance, and an early notice of allowance is requested.

Respectfully submitted,

_3/4/04_
Date

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